

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

DWANNA FROST,
Plaintiff,

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

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Case No. 3:18-cv-70

JUDGE WALTER H. RICE

DECISION AND ENTRY ADOPTING UNITED STATES MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION WITH RESPECT TO
PLAINTIFF'S SECOND ALLEGED ERROR (DOC. #20); OVERRULING
PLAINTIFF'S OBJECTIONS THERETO (DOC. #21); AFFIRMING
ALJ'S NON-DISABILITY FINDING WITH RESPECT TO LISTING
§ 8.06; JUDGMENT TO ENTER IN FAVOR OF DEFENDANT AND
AGAINST PLAINTIFF; TERMINATION ENTRY

On September 30, 2019, the Court issued a Decision and Entry sustaining the Commissioner's Objections to the Magistrate Judge's Report and Recommendations with respect to one of Plaintiff's two alleged errors. The Court found that the ALJ properly applied the treating physician rule in determining that Plaintiff was not disabled. The Court recommitted the matter to the Magistrate Judge for an initial determination on Plaintiff's other alleged error, *i.e.*, whether the ALJ erred in finding that Plaintiff's impairments did not meet or equal Listing § 8.06. Doc. #18.

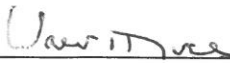
On October 21, 2019, Magistrate Judge Newman issued a Report and Recommendation with Respect to Plaintiff's Second Alleged Error. Doc. #20. He recommended that the Court affirm the ALJ's non-disability finding because it was supported by substantial evidence. Plaintiff filed timely Objections to the Report and Recommendations, Doc. #21. Nevertheless, as Defendant notes, Plaintiff fails to point to any specific flaws in the Report and Recommendations. Rather, she simply briefly summarizes her previous arguments, which were fully considered and rejected by the Magistrate Judge.

Based on the reasoning and citations of authority set forth by Magistrate Judge Newman in his Report and Recommendations, Doc. #20, as well as upon a thorough *de novo* review of this Court's file and the applicable law, the Court ADOPTS said judicial filing in its entirety and OVERRULES Plaintiff's Objections thereto, Doc. #21. The Court finds that the ALJ's non-disability finding with respect to Listing §8.06 is supported by substantial evidence. It is therefore AFFIRMED.

Judgment shall be entered in favor of Defendant and against Plaintiff.

The captioned case is hereby ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

Date: January 2, 2020

A handwritten signature in dark ink, appearing to read "Walter H. Rice", is positioned above a horizontal line.

WALTER H. RICE
UNITED STATES DISTRICT JUDGE